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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	<b>BOARD OF DENTISTRY &amp; DENTAL HYGIENE</b>
DATE AND TIME:	<b>Thursday, January 12, 2012 at 3:00 p.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>1st Floor PSC Hearing Room</b> , Cannon Building
APPROVED:	February 10, 2012

**MEMBERS PRESENT**

Blair Jones, DMD, Professional Member, President  
John Lenz, DDS, Professional Member, Secretary  
Neil McAneny, DDS, Professional Member  
Thomas Cox, DDS, Professional Member  
Robert Director, DDS, Professional Member  
Joan Madden, RDH, Professional Hygiene Member  
Nathaniel Gibbs, Public Member  
Debra Bruhl, RDH, Hygiene Advisory Member  
Buffy Parker, RDH, Hygiene Advisory Member

**MEMBERS ABSENT**

Bonnie Thomas, RDH, Hygiene Advisory Member  
Cheryl Calicott-Trawick, Public Member  
Bernadette Evans, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Allison Reardon, Deputy Attorney General  
Michele Howard, Administrative Specialist II

**PUBLIC PRESENT**

Vera Sitze, Wilcox & Fetzer  
Caitlin Knieriem  
Neil Woloshin  
Teresa Davis  
Glen Goleburn  
John T. Moore  
Harry (last name illegible)  
Steve Rogers  
Wayne Keller  
Richard R. Wier, Sr.

**CALL TO ORDER**

Dr. Jones called the meeting to order at 3:05 p.m.

**REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes of the December 15, 2011 Board meeting. Mr. Gibbs made a motion, seconded by Dr. Director, to approve the minutes as presented. The motion passed unanimously.

**PUBLIC HEARING, 3:15 PM, RULES & REGULATIONS GOVERNING ANESTHESIA**

**BOARD PRESENT:** Dr. Blair Jones, Dr. John Lenz, Dr. Neil McAneny, Dr. Robert Director, Dr. Thomas Cox, Joan Madden, Nathaniel Gibbs, Debra Bruhl, Buffy Parker

**PRESIDING:** Dr. Blair Jones, President

**BOARD STAFF:** Michele Howard, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Allison Reardon

**PUBLIC PRESENT:** Neil Woloshin, Glen Goleburn, Richard R. Wier, Sr., (one additional person present who did not identify himself)

**COURT REPORTER PRESENT:** Vera Sitze, Wilcox and Fetzer

The hearing began at 3:21 p.m. The court reporter took verbatim testimony. DAG Allison Reardon introduced herself and stated the purpose of the hearing. Ms. Reardon introduced the public notice from The News Journal as Board's Exhibit 1 and the public notice from the Delaware State News as Board's Exhibit 2. Ms. Reardon stated that no written public comment was received by the Board office. The Board members introduced themselves for the record. Dr. Jones opened the floor for comments from the public regarding the proposed amendments.

The Board recognized Richard Wier, Esquire, legal counsel for Bear-Glasgow Dental and Peninsula Dental. Mr. Wier addressed the Board. Mr. Wier's first comment did not concern the substance of the regulations but rather how the regulatory change would affect Dr. Goleburn's current unrestricted permit that was granted under the previous regulations. He asked the Board to confirm that it would not be affected. Mr. Wier's second comment was directed to proposed regulation 7.4.1. He pointed out that the regulation as drafted requires the dental facility to employ an anesthesiologist who is a member of the staff at a JCAHO accredited hospital. Mr. Weir submitted that the JCAHO requirement is too restrictive and should only require that the anesthesiologist be Board Certified. He submitted that he did not believe that the requested modification was a substantive change.

The Board recognized Dr. Glen Goleburn of Bear-Glasgow Dental and Peninsula Dental. Dr. Goleburn addressed the Board and reiterated the question raised by Mr. Weir as to how the regulation would affect his existing permit.

There being no further public comment, the Board went off the record at 3:29 p.m. to deliberate.

The Board went back on the record at 3:45 p.m. The Board will send a letter to Dr. Goleburn referencing questions he posed during the hearing about his anesthesia permits, explaining that upon the expiration of Dr. Goleburn's Unrestricted Permit-Individual for his Bear-Glasgow office, he will either need to qualify to renew the Unrestricted Permit-Individual or apply for a new Unrestricted Permit-Facility. However, he is free to convert the permit to a facility permit sooner if he wishes, subject to such fees as are determined by the Division of Professional Regulation. Ms. Madden made a motion, seconded by Dr. McAneny, to accept the modification proposed by Mr. Wier, specifically that the reference to JCAHO in proposed rule 7.4.1. be changed to a requirement that the facility must employ a Board Certified anesthesiologist with an active Delaware license. The Board finds that the requested change is non-substantive. The motion passed unanimously. The hearing concluded at 3:47 p.m. Ms. Reardon will present a Board Order at the next meeting for signatures.

### **DENTAL AND DENTAL HYGIENE CLINICAL EXAMS - SCORE REPORTING**

The examiners read aloud their scores of the dental and dental hygiene examinations. Ms. Howard calculated an average score for each candidate, and read the final score aloud along with the results of each candidate's jurisprudence examination and DOR examination, as applicable. The final dental exam results were as follows: 9 passed, 2 passed pending the jurisprudence exam, and 2 failed. The final dental hygiene exam results were as follows: 4 passed, 1 failed, and 1 was a "no-show".

The examiners thanked the public members for their assistance with the administration of the exams.

### **UNFINISHED BUSINESS**

#### Sign Board Order - Public Rules & Regulations Hearing 12/15/11

Ms. Reardon distributed the final Board Order for signatures and advised that the changes will be posted on 1/15/12 and effective 2/11/12.

#### Joint Sunset Committee Review

#### Legislative Update from Ms. Reardon

#### Proposal to Change the Qualifications to Take Clinical Exams

#### Proposal Regarding Chaperoning Children During Exams(HB 456)

Ms. Reardon read aloud a memorandum to the Director of the Division of Professional Regulation that she drafted on the Board's behalf for Dr. Jones' signature. Dr. Jones signed the memorandum.

The Board took a short break and reconvened at 4:08 p.m.

#### Rules & Regulations

#### Patient Exams – Review Draft from Ms. Reardon

Ms. Reardon summarized the draft and advised that the proposed changes governing patient exams are ready to be presented at a public hearing. Ms. Reardon inquired as to whether the Board wants to wait and finalize amendments regarding proof of active practice before they proceed with a public hearing for amendments regarding patient exams. Dr. Director stated that he is not ready to propose amendments to the Board's rules governing proof of active practice. Dr. McAneny made a motion, seconded by Dr. Director, to accept the draft regulations governing patient exams as presented by Ms. Reardon, and to hold a public hearing at the Board's March meeting. The motion passed unanimously. Ms. Reardon advised that the proposed amendments would be posted in the 2/1/12 Register of Regulations and a public hearing could be held in March 2012.

#### Proof of Active Practice – Review Draft from Dr. Director

#### Practice Requirements for Dentists & Hygienists – Review Draft from Dr. Director

Per Dr. Director's recommendation, the Board tabled this discussion until its March meeting.

#### Re-Review of Applications for Licensure

#### Benjamin Gilbert III, Dental Licensure (PA discipline & W2s)

Ms. Howard stated that Dr. Gilbert had called the Board office after the December Board meeting and expressed his concern that the Board is asking him to "jump through hoops." Dr. Gilbert did not submit additional documentation regarding proof of active practice as requested by the Board. Dr. Lenz made a motion, seconded by Dr. Jones, to propose to deny the licensure application of Dr. Benjamin Gilbert, III, because he has not demonstrated that he meets the requirements of 24 Del.C. § 1124(a)(4). The motion passed unanimously.

#### Anesthesia Advisory Committee – Update from Dr. McAneny

At the Board's December meeting, Dr. McAneny stated that he would invite the members of the Anesthesia Advisory Committee (AAC) to attend a Board meeting and discuss anesthesia. After the December meeting, the Board received clarification from Ms. Reardon and Ms. Howard that members of the Anesthesia Advisory Committee cannot specifically discuss open investigations or complaints with

Board members, but may discuss anesthesia regulations in general. Additionally, Ms. Reardon advised the Board not to research anything specific to a complaint or investigation. After discussion, the Board agreed that it was not necessary to invite the AAC members for a general discussion on anesthesia.

Commission on Medicaid Cost/Health Care Containment – Review Draft Letter from Dr. Jones

The Board reviewed a draft response letter presented by Dr. Jones. After discussion, Dr. Director made a motion, seconded by Ms. Madden, to send the letter as amended. The motion passed unanimously. Dr. Jones will make corrections and email the final letter to Ms. Howard for mailing.

**NEW BUSINESS**

Ratification of Licenses/Permits Issued by DPR Since December Board Meeting - None

Review of Applications for Licensure - None

Discussion of Give Kids a Smile Program

Dr. Jones stated that the Board had previously voted not to grant CE credit for the *Give Kids a Smile* volunteer program. Dr. Jones was recently asked to have the Board readdress the issue. Dr. Director stated that the Delaware State Dental Society (DSDS) sent an email earlier this week stating that participants in the *Give Kids a Smile* program will be granted 6.0 CE hours by DSDS. Dr. Director made a motion, seconded by Dr. McAneny, to send a letter to DSDS granting approval of the *Give Kids a Smile* program, contingent on the program consisting of a lecture followed by clinical treatment, and appropriate documentation of the hours of each attendee. The motion passed unanimously. Dr. Lenz stated that he will draft the letter and email it to Ms. Howard for mailing.

**COMPLAINT STATUS**

Dr. Jones reported that complaint 09-20-10 had been closed by a DPR Investigator.

**CORRESPONDENCE** - None

**OTHER BUSINESS BEFORE THE BOARD (for discussion only)** - None

**PUBLIC COMMENT** - None

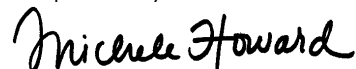
**NEXT MEETING**

The next Board meeting will be **Friday, February 10, 2012, at 9:00 a.m. in the second-floor Conference Room A** of the Cannon Building.

**ADJOURNMENT**

Dr. Director made a motion, seconded by Dr. McAneny, to adjourn the meeting at 4:58 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,



Michele Howard  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*